

Locke Lord Bissell & Liddell LLP
300 South Grand Avenue, Eighth Floor
Los Angeles, CA 90071-3119

LOCKE LORD BISSELL & LIDDELL LLP

John M. Hochhausler (SBN: 143801)

jhochhausler@lockelord.com

Cory A. Baskin (SBN: 240517)

cbaskin@lockelord.com

300 South Grand Avenue, Eighth Floor

Los Angeles, California 90071-3119

Telephone: 213.485.1500

Facsimile: 213.431.1500

Thomas J. Cunningham (admitted *pro hac vice*)

tcunningham@lockelord.com

Simon Fleischmann (admitted *pro hac vice*)

sfleischmann@lockelord.com

111 South Wacker Drive

Chicago, Illinois 60606-4410

Telephone: 312-443-0462

Facsimile: 312-896-6471

Attorneys for Defendant

HOMEcomings FINANCIAL, LLC

f/k/a HOMEcomings FINANCIAL

NETWORK, INC.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

DOUG PEARSON, an individual, on behalf of)
himself, and on behalf of all persons similarly)
situated,)

Plaintiff,)

vs.)

HOMEcomings FINANCIAL LLC, formerly)
known as HOMEcomings FINANCIAL)
NETWORK, INC.; and DOES 1 through 100,)
Inclusive,)

Defendants.)

CASE NO. 08 CV 0515 H (NLS)

**JOINT MOTION OF THE PARTIES TO
EXTEND BY THIRTY DAYS THE TIME
WITHIN WHICH DEFENDANT
HOMEcomings FINANCIAL, LLC
MUST FILE ITS RESPONSE TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT**

**[[Proposed] Order e-mailed directly to the
Court]**

**Hon. Marilyn L. Huff
Courtroom 13**

Pursuant to S.D. Cal. Civ. L.R. 7.2 and 12.1, Plaintiff Doug Pearson ("Plaintiff") and Defendant Homecomings Financial, LLC *f/k/a* Homecomings Financial Network, Inc. ("Defendant") (collectively, "the Parties") hereby agree, stipulate, and jointly move that Defendant be granted a 30 day extension of time to respond to Plaintiff's First Amended Complaint ("FAC") in this action.

On March 19, 2008, Plaintiff filed his initial complaint in this action alleging, on behalf of himself and all others similarly situated, that Defendant violated California's Unfair Competition

1 Law, California Business and Professions Code Section 17200 *et seq.* (the “UCL”), by engaging in a
2 business pattern and practice of unfairly charging Plaintiff and every other member of the putative
3 class prepayment penalties on residential loans in violation of the terms of Defendant’s standard
4 form residential loan agreement. On May 15, 2008, Defendant filed a motion to dismiss Plaintiff’s
5 complaint. On June 12, 2008, the Court granted Defendant’s motion to dismiss but also granted
6 Plaintiff 30 days within which to file an amended complaint.

7 On June 30, 2008 Plaintiff filed his FAC. [FAC, Docket No, 14.] Pursuant to Rules 6 and
8 15(a)(3) of the Federal Rules of Civil Procedure, Defendant’s current response deadline to the FAC
9 is July 15, 2008, a mere 10 court days from the date Plaintiff filed his FAC. After diligently
10 evaluating the FAC upon its filing, Defendant soon realized that it would require more than the 10
11 court days allotted by the Federal Rules to respond to the FAC. After conferring with Defendant,
12 Plaintiff has acknowledged the reasonableness of Defendant’s request for additional time within
13 which to respond to the FAC and has agreed to the filing of the instant joint motion seeking Court
14 approval of a 30 day extension of Defendant’s responsive filing deadline.

15 The Parties believe that good cause exists for this Court to grant the requested 30 day
16 extension for the following reasons. First, the FAC is more than twice as long as Plaintiff’s initial
17 complaint, containing 53 paragraphs of substantive allegations as compared to the original
18 complaint’s 26 paragraphs. These new allegations reference various representatives of Defendant by
19 name and purport to describe correspondence and communications between Plaintiff and said
20 representatives. Second, in addition to reconstituting and re-alleging the previously-dismissed UCL
21 claim, Plaintiff’s FAC now alleges a second claim for fraud and seeks compensatory and punitive
22 damages in addition to the multi-million dollar restitutionary relief sought in conjunction with the
23 revamped UCL claim. Given the nature and extent of the new allegations set forth in the FAC, the
24 Parties believe the requested extension of Defendant’s response deadline is warranted.

25 Accordingly, the Parties agree and now jointly move the Court for an order extending
26 Defendant’s time to answer or otherwise respond to Plaintiff’s FAC to August 14, 2008.

1 Dated: July 9, 2008

Respectfully Submitted,

2 LOCKE LORD BISSELL & LIDDELL LLP

3
4 By: s/Cory A. Baskin
5 Thomas J. Cunningham
6 John M. Hochhausler
7 Simon A. Fleischmann
8 Cory A. Baskin
9 Attorneys For Defendant
10 HOMECOMINGS FINANCIAL, LLC
11 f/k/a HOMECOMINGS FINANCIAL
12 NETWORK, INC.

9 Dated: July 9, 2008

BLUMENTHAL & NORDREHAUG

10
11 By: s/Kyle R. Nordrehaug
12 Norman B. Blumenthal
13 norm@bamlawlj.com
14 Kyle R. Nordrehaug
15 kyle@bamlawlj.com
16 Aparajit Bhowhik
17 aj@bamlawlj.com
18 Attorneys For Plaintiff
19 DOUG PEARSON

Locke Lord Bissell & Liddell LLP
300 South Grand Avenue, Eighth Floor
Los Angeles, CA 90071-3119